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Attorneys for Defendant  
RAMESH "SUNNY" BALWANI

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RAMESH "SUNNY" BALWANI,  
  
Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.  
COOPERSMITH RE: DEFENDANT  
RAMESH "SUNNY" BALWANI'S  
MOTION FOR CURATIVE  
INSTRUCTION ON THERANOS  
DEVICES SENT TO WALGREENS**

Judge: Honorable Edward J. Davila

**DECLARATION OF JEFFREY B. COOPERSMITH**

I, Jeffrey B. Coopersmith, declare as follows:

1. I am lead counsel for defendant Ramesh “Sunny” Balwani, an attorney admitted to practice in the State of California, a partner at the law firm of Orrick, Herrington & Sutcliffe LLP, and counsel of record for Mr. Balwani. I submit this declaration in support of Mr. Balwani’s motion for a curative instruction on Theranos devices sent to Walgreens.

2. Attached as **Exhibit 1** is a copy of transcript excerpts of the May 16, 2019 deposition of Dr. Jay Rosan in *In re Arizona Theranos, Inc. Litigation*, Case No. 2:16-cv-2138-HRH, in the United States District Court for the District of Arizona. Exhibit 1 is from one of several versions of Dr. Rosan’s deposition transcript produced by the government in this criminal action.

3. Attached as **Exhibit 2** is a copy of a September 29, 2010 email string among Walgreens personnel Wayne Price and Renaat Van den Hooff and Theranos personnel Daniel Young and Sunny Balwani, produced in discovery in this action and marked as Trial Exhibit 20441.

4. Attached as **Exhibit 3** is an October 11–13, 2010 email string among Mr. Balwani, Ms. Holmes, Dr. Young, and Dr. Rosan, produced in discovery in this action and marked as Trial Exhibit 20533.

5. Attached as **Exhibit 4** is a copy of an April 22–29, 2011 email string among Mr. Balwani, Dr. Young, Dr. Rosan and Patty, produced in discovery in this action and marked as Trial Exhibit 20442.

6. Attached as **Exhibit 5** is a copy of excerpts of a December 18, 2019 FBI interview memorandum for Dr. Rosan, produced by the government in this action. The government has indicated that it may call Dr. Rosan as a witness in the first half of its case-in-chief against Mr. Balwani.

7. Attached as **Exhibit 6** is a copy of transcript excerpts from this criminal trial.

8. On the morning of April 18, 2022, I sent the government the instant motion in draft form and a proposed stipulation to resolve the issue. The government declined.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed April 18, 2022, at San Jose, California.

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4 /s/ Jeffrey B. Coopersmith  
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